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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,471	04/19/2001	Dean S. Keil	2240.004	2469
21917	7590	09/25/2006	EXAMINER	
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410			CUFF, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,471

Applicant(s)

KEIL, DEAN S.

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-10,12,13 and 15 is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

On line 8 of step (e), the examiner is assuming the applicant meant to recite "means for receiving ..." instead of "receiving ...". The examiner has given the step in a system claim patentable weight based on this assumption.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of Wallner.

Walker et al. shows all of the limitations of the claims except for specifying a printing means and the use of a PIN.

Walker et al. shows a method and apparatus for executing electronic transactions. Figure 4 shows terminal 406 (transaction terminal), modem 416 (communications means), an input device 404 (means for receiving PIN), a video monitor 402, and a CPU 418 (processing means). There is also a trusted agent 18 (secure host). The disclosure, column 6, discusses an "escrow account" or a cryptographically enabled account (CEA)(debit account). Column 6, lines 46-48, states, "anyone can log onto a network and set up a transaction using a CEA." (accept funds

via communication means). Column 9, lines 59-60, shows the establishment of a unique account number for a new CEA. The new accounts can and usually are associated with a contract (specific to a transaction). Funds may be withdrawn in whole or in part.

Wallner teaches a virtual POS terminal with a printer 224 in order to better document transactions and a PIN pad port 226 in order to enable the use of a PIN, which increases security.

Based on the teaching of Wallner, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Walker et al. terminals and system to incorporate a printer 224 at each terminal in order to better document transactions and a PIN pad port 226 at each terminal in order to enable the use of a PIN, which increases security.

Response to Arguments

Applicant's arguments filed 7/19/06 have been fully considered but they are not persuasive.

Applicant asserts that the prior art does not show a means to enable funds to be withdrawn from a debit account utilizing only an account number and a PIN. This is not claimed. The word "only" is very limiting and it is not in the claim language.

Applicant asserts that there would be no use of a PIN in the Walker transaction. The examiner does not concur. A PIN is used to verify the ID of the customer to the third party.

Applicant asserts that there is no teaching that a PIN is issued which corresponds to a debit account number. This is not claimed. The claim language merely requires some association to the debit account, not correspondence.

Allowable Subject Matter

Claims 6-10, 12-13 and 15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 6 recites the combination of a transaction terminal, a host server and a means for establishing a debit account with a unique account number where the PIN customer selected and assigned at the terminal and during the transaction. None of the prior art (before the priority date of 6/18/98) shows or teaches this full combination.

Claims 7-10, 12-13 and 15 are dependent upon claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 9/15/06
Michael Cuff
September 15, 2006